

*Thursday,
19th September, 1895*

ABSTRACT OF THE PROCEEDINGS
OF THE
Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XXXIV

Jan.-Dec., 1895

ABSTRACT OF THE PROCEEDINGS
OF
THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA,
ASSEMBLED FOR THE PURPOSE OF MAKING
LAWS AND REGULATIONS,

1895

VOLUME XXXIV



Published by Authority of the Governor General.



CALCUTTA
PRINTED BY THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA,
1895

Abstract of the Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892 (24 & 25 Vict., cap. 67, and 55 & 56 Vict., cap. 14).

The Council met at the Viceregal Lodge, Simla, on Thursday, the 19th September, 1895.

P R E S E N T :

His Excellency the Viceroy and Governor General of India, P.C., G.M.S.I., G.M.I.E., LL.D., *presiding*.

His Excellency the Commander-in-Chief, G.C.I.E., K.C.B., V.C.

The Hon'ble Sir A. E. Miller, K.T., C.S.I., Q.C.

The Hon'ble Lieutenant-General Sir H. Brackenbury, K.C.B., R.A.

The Hon'ble Sir J. Westland, K.C.S.I.

The Hon'ble Sir A. Mackenzie, K.C.S.I.

The Hon'ble A. C. Trevor, C.S.I.

The Hon'ble Prince Sir Jahan Kadr Meerza Muhammad Wahid Ali Bahadur, K.C.I.E.

The Hon'ble A. S. Lethbridge, C.S.I., M.D.

PILGRIM SHIPS BILL.

The Hon'ble SIR ALEXANDER MACKENZIE presented the Report of the Select Committee on the Bill to make better provision for the regulation of Pilgrim Ships. He said :—" In dealing with this Bill the Committee have had before them not only very full and useful reports from the maritime Governments, especially those of Bombay and Bengal, but numerous memorials from Muhammadan Associations and from individual Muhammadan gentlemen of position in all parts of the country. I need scarcely say that they have given very careful consideration to the representations embodied in these memorials. While some of them put forward suggestions which it is not possible to accept, and which show entire want of appreciation of the position which the British Government necessarily occupies in relation both to the other Powers of Europe and the Turkish Government in the Hedjaz, and while some denounce the measure as an interference with religious liberty, others are remarkable for their clear grip of the situation and for the practical common sense which they bring to bear upon the Bill and the rules to be framed to give effect to its provisions. Some of them indeed give a hearty

[*Sir Alexander Mackenzie.*] [19TH SEPTEMBER,

welcome to the legislation now before the Council as calculated to mitigate materially the sufferings of Muhammadan pilgrims performing their religious duties, while they scout the idea that it can be regarded as in any way interfering with the Muhammadan faith. Thus the Honourable Haji Muhammad Ismail Khan, of the Legislative Council of the North-Western Provinces, writes—

‘ I am entirely of opinion that the Bill does not in the least interfere with the usages of the Muhammadan religion : rather it is taken by Government particularly to give ease and comfort to their Muhammadan subjects. Making a pilgrimage to Mecca is incumbent upon all Musalmans, subject to the conditions laid down in *Hidaya* and other books on *Fiq*, which are as follows :—

“ The pilgrim must be (i) a free man, (ii) sane, (iii) adult above fourteen, (iv) possessed of means for the journey and maintenance sufficient for himself during the pilgrimage and for the support of his family until his return, (v) confident of safety and peace on the way.”

‘ For these reasons, if a rule be passed prohibiting those pilgrims from going to Haj who are not enjoined by religion to go over there, even this prohibition could not be called an interference with our religion, much less this Pilgrim Bill, which contains nothing of such a character.’

“ The *Moslem Association* of Rangoon, while approving of the proposals for increased allotment of space on pilgrim ships, remark that ‘ considerations of the cost of the pilgrimage should not be put before those with regard to the comfort, health and safety of the pilgrims,’ and add—‘ It should also be remembered that it is not obligatory upon indigent persons to perform pilgrimage, and that in case of really deserving persons help is always forthcoming from affluent persons desirous of acquiring merit.’

“ The *Central Muhammadan Association*, Calcutta, ‘ entirely approve of those provisions of the Bill which relate to the maintenance of health, cleanliness, and supply of food and water on board ships carrying pilgrims to the Hedjaz.’

“ There is, as I have said, some misapprehension abroad with regard to the attitude of the Government towards the Paris Convention and the action of the European Powers in connection with the pilgrimage to the Hedjaz. Although we deny absolutely the truth of the postulate that cholera is imported into the Hedjaz and so to Europe by the influx of Indian pilgrims, there is no disputing the fact that the large number of pauper pilgrims from India, inadequately provided for the journey and its expenses, fills the Hedjaz with a floating population of half-starved beings who fall early victims to the disease when engendered there and lend fuel to its ravages. There can be no doubt also that the arrangements on board the pilgrim ships have hitherto in some respects left much to be

1895.]

[*Sir Alexander Mackenzie.*]

desired. It would have been impossible for Her Majesty's Government to assume an attitude of stolid resistance to reform in face of the representatives of the twelve other Powers assembled at Paris. Many of the suggestions of the Convention were in entire accordance with proposals already under the consideration of Government: and the Convention is not to be denounced as a whole because we think it goes in one or two of its provisions beyond the necessities of the case. Where we think the Convention right we are quite willing to give effect to it in our legislation and regulations. Again, it is impossible for the British Government to force upon the Government of the Sultan its own views as to fees and the like, or to act as though the Hedjaz belonged to us. The Turkish Government is its own master in such matters save so far as it enters into distinct agreements with other Powers. We cannot force Turkey to treat Indian pilgrims in any exceptional manner. If Indian Muhammadans go to Turkish territory, they must submit to Turkish rules as modified by international agreement. All that Her Majesty's Government can do for them is to try to secure all reasonable protection and concessions. It cannot *insist* on Turkey's foregoing sanitary fees because some Indian pilgrims are too poor to pay them. It can only invite the Porte to be liberal in the application and working of its rules.

"The main objection taken by the dissenting memorialists to this measure itself and to the International Convention which gave rise to it is the probability that the cost of the passage to the Hedjaz will be so inordinately increased by the proposed rules as to space and fees as to debar many persons from taking the pilgrimage who otherwise might unobjectionably have done so. That is a fear which was shared by the Government of India, and led to the evolution of those executive proposals for meeting the case of comparatively indigent pilgrims to which I referred when introducing the Bill, and to the strong representations which the Government have laid before the Secretary of State both before and since the introduction of the measure. Muhammadan law does not indeed favour the pilgrimage of paupers, but the Government of India have always declined to interfere executively with the free action of their Muhammadan subjects, or to require, as the Straits Government do, proof that each pilgrim has sufficient means for the journey and return. On the other hand, there is no reason why we should facilitate unduly the pilgrimage of absolute paupers, or should refuse to insist on any necessary reforms merely on the ground that they will raise the cost of passage. Our objection is not to the principle of improved arrangements, but is that the proposals of the Convention as to space go beyond the necessities of the case and involve a greater increase in cost than is really unavoidable. It

[*Sir Alexander Mackenzie.*] [19TH SEPTEMBER,

is right, however, that I should draw the attention of the Council to the opinion on this point of Haji Ismail Ishak, pilgrim-ship broker of Bombay, who has furnished one of the most practical papers on the Bill that have come before us. He writes—

'The cry is raised by the owners of the pilgrim ships that by allowing 16 square feet space to each passenger the rate of tickets will be enhanced, and consequently the poor people will not be able to go to Hadj, but as far as Your Excellency's memorialist can think, the plea does not appear to be a valid one, since there are no fixed rates of tickets. The rates are always fluctuating. When a large number of Hadjis happen to come down to Bombay, the rate of third class ticket is raised to 50, 60, or sometimes 70 and 80 rupees, and when there is no Hadji (meaning few Hadjis) the rate goes down to 10 or 7 rupees per head. The steamer owners or charterers try and manage to bring in the poor Hadjis from the nooks and corners of the city by ringing the bells morning and evening. This being the case, there is no fear whatsoever of the poor pilgrims being deprived of their Hadj. At the time when there was no steam communication, and sailing vessels were plying between Bombay and Jedda, these very so-called poor Hadjis used to pay up to 65 rupees per head, and now, too, when the rate of tickets goes high, they somehow or other manage to pay that much.'

"This I take to mean that there is a sufficient margin of profit even at low fares to ensure the up-keep of the service of vessels: and that, if the shipowners have now to give more in return for the passage money, it does not necessarily follow that they will have to raise their fares beyond what the pilgrims have frequently hitherto had to pay. It would seem, therefore, that there is some ground for believing that any increase of charge due to enlarged limits of space will not be so absolutely disastrous as some of the memorialists anticipate.

"At the same time the Select Committee felt that the proposals of the Convention in the matter of deck space, hospital accommodation, and sanitary taxes went far beyond the necessities of the case, and, in the hope that the Government would succeed in securing modifications of these provisions, they have shaped the Bill in such a way as to leave nearly all disputable matters to be settled by rules. It was fortunate, as it turns out, that they did so, for the Secretary of State has just informed the Government that, owing to the reservations already made by Her Majesty's Government and to the attitude of the Turkish Government in respect of quarantine, the ratifications of the Convention have not been exchanged; that the date of doing so has been indefinitely postponed; and that Great Britain is not therefore at present bound by any of its provisions. This will enable the Government to maintain for the present, and until the Convention is ratified or amended, the existing regulations on the three disputed points. The

1895.]

[*Sir Alexander Mackenzie.*]

Bill already leaves the between-deck space to be settled by rule. In respect of hospital accommodation the Select Committee took the Convention standard only as a maximum, intending that the Government should make reasonable provision for a permanent hospital, and treating the Convention proposals as affecting only the possible maximum provision in case of epidemic; but I shall move an amendment of section 21 which will enable the Government to adhere for the present to the existing arrangements for the hospital, or make such reasonable modification of these as may be deemed desirable. The Committee felt bound to adopt the Convention definition of a pilgrim, and to treat all children as adults, but I shall now, at our next meeting, move an amendment of section 5 which will enable the Government to adhere to the existing law as to children's accommodation so long as the Convention is neither ratified nor amended. It must be remembered, however, here that under Muhammadan law a pilgrim ought always to be an adult over 14 years of age; and young families are expected to be left and maintained at home during the absence of their elders. It is the promiscuous way in which Indian families go on pilgrimage that causes much of the distress and mortality on the voyage and in the Hedjaz, and it is doubtful whether the Powers will eventually agree to accept our Indian rule, especially if we insist on reducing the space prescribed for adults.

"As regards the sanitary taxes, the Government represented to the Secretary of State that it is impossible to include in the cost of the tickets indefinite charges which depend entirely on the length of time a ship may be in quarantine, and suggested that we should limit ourselves to the levy before starting of only the regular landing charges and pilgrim dues imposed at Camaran and Jeddah. In any case the Select Committee held it to be inequitable to compel masters of vessels to make good moneys that they have not actually received, and limited their responsibility to the payment of those sanitary dues which are included in the cost of the tickets. As the Convention is now in abeyance, I intend hereafter to move an amendment in section 36 which will enable the Government to postpone for the present the inclusion of any sanitary fees in the cost of the ticket.

"For the rest the Bill includes various provisions for improving the arrangements in connection with the shipment and transit of pilgrims either directly in its own sections or by extension of the power to make rules conferred upon the Government. Some of these were suggested by the Convention, some were held to be desirable by the Select Committee on the information laid before them.

[*Sir Alexander Mackenzie.*] [19TH SEPTEMBER,

"Thus, to meet the wishes of many of the better class of Muhammadans, we have taken power to regulate by rule the accommodation of the first and second class pilgrims, as well as that of those of the lowest class, and we have provided that no more pilgrims of all classes shall be embarked than can find reasonable space for air and refreshment on the upper deck. We have found it necessary to declare that all passengers on a pilgrim ship must for the purposes of the Act be deemed to be pilgrims.

"We entirely concur in the importance of a proper medical inspection of intending pilgrims before embarkation, as insisted on by the Convention, but we have provided that the medical inspection of female pilgrims shall, as far as practicable, be effected by female agency, and the Government intend to insert in the rules a clause directing that one or more Muhammadan female attendants shall be attached to the medical officer of the ship to look after the wants and ailments of the female pilgrims on board. This is in accordance with a request which appears in nearly every memorial that has reached us.

"We have taken power to regulate by rule the supply of tickets to intending pilgrims and to define the sanitary dues to be included in the cost should it ever be determined to collect these dues in India, and we hope in this and other ways to improve the arrangements for the despatch of pilgrims to the Hedjaz and to mitigate the worries to which, as the memorials show, they are at present exposed in Bombay and elsewhere.

"We have also taken power to improve the internal fittings and arrangements of pilgrim ships so as to assimilate them more closely to those of well-found emigrant vessels. We propose to prevent the employment of vessels unfitted by size or want of adequate steam-power to face the south-west monsoon—a matter on which several of the memorials lay stress. We have at the same time amended the Bill in various minor particulars in accordance with suggestions conveyed to us in the reports and papers, for details of which I would refer the Council to the report of the Committee, a document which in view of the importance of the measure has been made more full and detailed than is perhaps always usual in such cases.

"There is one other matter to which I may refer before closing. It has been represented to us by many competent authorities that much of the sickness and discomfort experienced by pilgrims at present arises from their being allowed to supply themselves with food which is often unsuitable and badly cooked. We

1895.]

[*Sir Alexander Mackenzie.*]

should have been glad to see our way to assimilating the feeding arrangements of pilgrim ships to those of emigrant vessels for the pilgrims of the lowest class, and to those of ordinary passenger vessels for the better classes. But we find that there is a strong prejudice in this matter among the Indian Muhammadans. We have therefore thought it best, for the present at any rate, to allow any pilgrim who satisfies the inspecting officer that he has suitable and adequate supplies of his own, to take those on board with him, and we hope by rule to arrange for improved cooking facilities in such cases. For instance, we would suggest that, in lieu of issuing fuel, the ship shall be bound by rule to provide proper fires or furnaces, and Muhammadan cooks for those who wish to employ them. We believe, however, that, if the owners of pilgrim ships would arrange for the sale of suitable viands at reasonable rates on board, the pilgrims would in time cease to carry their own stores. The cost of tickets could then be adjusted to meet the cases of those pilgrims who were to be fed by the vessel and those who intended to ration themselves. Meantime the ship has to carry rations for all pilgrims not certified by the inspecting officer to have suitable and adequate supplies, and those will naturally have to be paid for by the pilgrims whether they use them or not.

"I may add that we have not accepted some suggestions made to us for amending provisions transferred to the Bill exactly as they stand in the Native Passenger Ships Act, because we thought that sufficient reasons had not been advanced for modifying what is at present the existing law.

"The Council will perceive that the Bill on becoming an Act is not to come into force at once as originally proposed, but on such day as the Governor General in Council may by notification appoint. This will enable the Government to recast its rules—(which will not now be materially altered on the important questions of 'tween-deck space and hospital accommodation)—after due consideration of the suggestions and criticisms of the authorities who have reported on them. The Bill as it now stands is in a form to which, I think, no one can object. It is practically, as I have said, for the most part an enabling measure—leaving details to rules, in framing which the Government will do its best to meet the reasonable requirements of its Muhammadan subjects. For the rest the Bill embodies valuable safeguards and undoubted boons for intending pilgrims the necessity of which is admitted and which would have been desirable had the Paris Convention never been devised. I trust the Council will see no reason why it should not be passed into law at our next meeting."

[*Dr. Lethbridge; Sir Alexander Miller.*] [19TH SEPTEMBER,

The Hon'ble DR. LETHBRIDGE said :—" My Lord,—With Your Excellency's permission I desire to take the somewhat unusual course of making some remarks at this stage of the Bill. I believe it is not usual."

The Hon'ble SIR ALEXANDER MILLER :—" It is not irregular."

The Hon'ble DR. LETHBRIDGE proceeded :—" I do not propose to discuss at any length the conclusions of the Convention signed in Paris, which have made it necessary to bring in the Bill now before the Council. Speaking for myself personally, I cannot help noticing how inadequately this important question was dealt with by the Convention and how little qualified, by practical experience of the pilgrim traffic, the representatives were who assisted in drawing up these articles, which we are now asked to incorporate in the regulations which control the pilgrim traffic to the Hedjaz.

" In providing for increased sanitary safeguards the Convention seems to have been dominated by three leading ideas: to increase the between-deck space to practically double what has hitherto been required; to insist on a scale of hospital accommodation, which the smallest practical acquaintance with the working of the pilgrim traffic, and the sentiments of the people to be dealt with, would have shown to be unnecessary; to impose antiquated quarantine regulations, which the papers before us show have sometimes inflicted intolerable hardships on Indian pilgrims.

" For half a century and more the Government of India has been engaged in perfecting the sanitary regulations for controlling the transport by sea of large bodies of Asiatic passengers, not only for comparatively short voyages, such as those which we are now considering, but for voyages to the West Indies, which involve a residence of three or four months on board sailing-ships. There is little in these papers to show that the great experience which has been gained in India on the subject has been utilised in drawing up these new regulations. Indeed, in regard to some points, it is evident that the conclusions of the Convention are deliberately opposed to the experience which has been gained in this country. We in India, who represent the largest Muhammadan population in the world, have, I consider, just cause to be dissatisfied with the manner in which the Convention has dealt with some of the most important points affecting Indian pilgrims.

" I desire, at this stage of the Bill, to notice only those provisions to which our Indian fellow-subjects have taken most exception.

1895.]

[*Dr. Lethbridge.*]

" The between-deck space, which under existing regulations is 9 square feet, and which has hitherto been considered sufficient for Native passengers on long voyages, has suddenly been raised to 16 square feet. Practically, the increase is even more than this, and cannot be much under 18 square feet, because infants in arms and children under 12 are now to be counted as adults. To show by comparison how absolutely unnecessary, and I may say unjustifiable, this extraordinary addition to the space required for pilgrims is, I may mention, that as late as last year the scale of superficial space required for British seamen was fixed at only 12 square feet. In dealing with this question what the Convention had to consider and determine was the minimum space required for the poorest class of pilgrims, which would ensure the health of the individual passenger and the proper sanitary condition of the ship. That the question was not approached from this point of view is, I fear, only too evident. We have here another instance of the mistaken zeal of some advocates of sanitary reform, who are not satisfied with recommending ordinary sanitary precautions, but in their endeavours to attain perfection advocate sanitary luxuries, which are quite beyond the means of the poorer sections of the community they desire to benefit.

" My Lord, speaking as one who has some claims to be considered a specialist in matters connected with sanitation, and who has had many opportunities of becoming acquainted with the practical side of this question of Native passenger traffic, I maintain that the space now demanded is unreasonable, and that a sufficient advance would have been made in the direction of increased sanitary precautions if the space had been fixed at 12 square feet. I still hope that it may be possible to obtain the consent of the European Powers who were represented at the Convention to the reduction of the space to 12 square feet. I am glad to hear from my hon'ble friend that the British Government has not yet ratified the Convention and that there is some chance of the question being reconsidered.

" Under the articles of the Convention, the entire upper deck is to be reserved as airing space for the pilgrims below.

" This is a most important provision. But it is not too much to say that, in neglecting to provide a minimum allowance of upper-deck space for each passenger carried, the Convention missed the most important point in this question of airing space. If the delegates to the Convention had been acquainted with the possibilities in regard to designs in ship-building, they would have known that it would be easy to build steamers which contained sufficient 'tween-deck accommodation to allow each passenger 16 feet below, when there would not have been

[*Dr. Lethbridge.*]

[19TH SEPTEMBER,

3 or 4 square feet of airing space above. The existing regulation which requires 6 square feet of upper-deck space for each passenger between-decks practically limits the passenger-carrying capacity of steamers, and prevents the multiplication of between-decks. No amount of 'tween-deck space below could compensate a pilgrim for the extreme discomfort he would suffer if he could not escape to the upper deck for fresh air in hot weather in the Red Sea. In my opinion the Select Committee have acted wisely in adhering to the present rule, which requires 6 square feet of upper-deck space for every adult passenger carried.

"Power to carry out a very important sanitary improvement in the arrangement of the between-deck accommodation, which appears to have been overlooked by the Convention, has been added to the present Bill in Select Committee. I refer to the fitting of sleeping platforms which our experience in emigrant ships has shown to be so necessary and for which, as fittings, provision will be made in the rules. This provision will be much appreciated by the pilgrims and will enable them to put away their luggage under their sleeping berths at night and to keep it by day on the platforms when the decks are being cleaned. I hope when the full benefit of these platforms is appreciated by the advisers who are in future to decide what the space shall be, and they see that, as far as deck space is concerned, the amount of available space is by this arrangement so considerably enlarged, they will allow 12 square feet to be the standard. A passenger having, say, 10 feet of platform (allowing 2 feet for passages) and 12 square feet below him and 6 feet in the upper-deck has nearly 28 square feet available for himself and his luggage.

"I have already remarked that the regulations requiring increased hospital accommodation showed a want of knowledge of the customs and habits of the people who were being dealt with. In the vast majority of cases it is quite hopeless to expect that the sick will take advantage of the special hospital accommodation. They prefer staying with their friends, and no persuasion, short of removal by force, will induce them to consent to their isolation, more especially so if there have been any deaths in hospital. Of course, when they are suffering from cholera or any contagious disease, they must be compelled to go to hospital, and it is right that this should be insisted on. But for ordinary cases of illness no attempt to get the pilgrims to the hospital will be practicable. All the authorities consulted have declared that the present hospital accommodation has been found quite sufficient. Under these circumstances I think that the Select Committee has been justified in leaving the provisions regarding hospital accommodation elastic. It will suffice if a permanent hospital of moderate size is provided

1895.]

[*Dr. Lethbridge.*]

and if the steamers carry fittings, which may be used in erecting increased hospital accommodation up to the standard required by the Convention, in case of epidemics.

“With regard to quarantine regulations at Camaran, the papers show that the arrangements are of the worst possible description, especially as regards water-supply—the one potent cause in the spread of cholera. The deplorable loss of life which has already taken place from this want of pure water calls for the early interference of the Turkish Government. I am, however, of opinion that no real improvement will take place in this respect until the Government of India can by international agreement obtain the full control of the quarantine stations in which Indian pilgrims are detained.

“I now come to the consideration of the part of this subject which, to judge from the opinions which have been expressed, is, to our Muhammadan fellow-subjects, the most important point of all, *viz.*, the question of the future cost of pilgrimage to the Hedjaz. It is feared that the payment by the commander of the vessel of the sanitary dues, and the addition of this item to the passage ticket, together with probable increase in cost, due to the increased space now demanded from the ship-owners, will so enhance the cost of pilgrimage that many of the poorer Muhammadans will be deprived of the privilege they now have of performing this religious duty. My hon'ble friend has discussed the question of the sanitary dues very fully, and I need not therefore trouble the Council with any remarks on this point.

“The Muhammadan societies and individual gentlemen, who have favoured us with their opinions on this Bill, have expressed much anxiety as to the great increase in cost that may be expected to result from the increased space to be allotted to pilgrims. My Lord, any information which can be given, which will help to dissipate this anxiety and to allay these fears, will, I am sure, be received with satisfaction by this Council and by the country. I hope to be able to show that there are no grounds for supposing that the steamer fares must be nearly doubled. I hope also to show that, if an increased fare must be charged, the amount need not exceed a sum which even the poorer pilgrims could, perhaps, afford to pay. As President of the Native Passenger Ships Commission I had many opportunities of measuring the passenger-carrying capacities of steamers and of noticing how easily ship-builders can alter the designs of steamers to suit the legal requirements under which passengers must be carried. Having this knowledge,

[*Dr. Lethbridge.*]

[19TH SEPTEMBER,

I maintain that, in all future steamers designed for the carriage of pilgrims under the new Act, the controlling factor in the passenger-carrying capacity of these steamers will be the airing space of 6 square feet for each pilgrim on the upper deck and not, as is generally supposed, the 16 square feet of between-deck space. With the modern appliances now employed in every passenger ship for electric lighting and the ventilation of the lowest decks by fans worked with steam-power, it will be possible to arrange with ease for as much 'tween-decks space at 16 square feet per passenger as there is accommodation on the upper deck at 6 square feet for each person carried. When ships of this design are constructed and brought into use in the pilgrim trade, there is no reason why the fares should be higher than they are at present.

"To enable us to consider the effect of this rule on the ships at present engaged in the trade, I have obtained from Bombay, through the kindness of the Port Health Officer and the Superintendent of the Preventive Service, the measurements and figures I am about to use. There are nine steamers engaged in the Bombay pilgrim trade. These may, for our present purpose, be divided into two groups, the first group consisting of three vessels. The *Sultan*, the *Jubeda* and the *Thibet* are orlop deck ships, that is, they have two between-decks which are occupied by pilgrims. These three vessels are certified to accommodate, at the present rate of 9 square feet, 3,000 pilgrims—roughly a thousand each. If no structural change is made to increase the passenger-carrying capacity of these ships by fitting a portion of the lower hold with fans and electric lights, they will only be allowed in future under the 16 feet rule to carry 2,375 pilgrims.

"Taking an extreme case, and supposing that these steamers are always running with their full number of pilgrims, the owners, if they refused to bear any portion of the increased cost themselves, would require to raise their fares by one-fifth of the present rate, to compensate them for the loss of 625 tickets. The Hon'ble Member has, however, just referred to the opinion of a Bombay pilgrim-ship broker, from which it will be noticed that the fares at present charged to the lowest class of pilgrims vary from seven or ten rupees, when there are few pilgrims-available, to as much as Rs. 70 and Rs. 80 when the demand for passages is great. Supposing that this opinion represents the actual condition of the pilgrim shipping business in Bombay, is it reasonable to suppose that the owners of these ships would deliberately put on a fifth more to the existing rates, because the maximum number that they could carry had been reduced? If, for the sake of argument, it is allowed that they will raise the rates, I hope the Muhammadan

1895.]

[*Dr. Lethbridge.*]

community will see that there is no cause for grave anxiety, and that it will not seriously interfere with the pilgrimage of their poorer brethren who will naturally select the voyages when the fares are low.

"The six remaining vessels in the trade, of which I have received the measurements, are the *Akbar*, *Muhammedi*, *Naderi*, *Naseri*, *Mobile* and *Hooseinee*. These steamers have not up to the present been fitted with the orlop or second 'tween-deck. But I believe they have the necessary supports for the purpose should their owners desire to fit in these decks. These steamers with their single between-decks are, under the present regulations, certified to carry 4,517 pilgrims. Under the new Act, if orlop decks are not provided, they will only be allowed to carry 2,714 pilgrims. That is to say, if no structural change is made, and the owners expect to be fully compensated for the loss involved by the increased space, they will have to charge between a third and one-half more than they do at present. Such a rise in the rates would place them in so unfavourable a position in the competition with orlop deck vessels that they would be compelled to fit orlop decks in their ships. From the figures in my possession I find that there is surplus airing space on the upper deck of these six steamers to allow them to carry 1,267 pilgrims in orlop decks if they were provided.

"I trust I have made it clear that the pilgrim-ships of the future which are designed for the purpose need not charge increased fares; that the better class of steamers now engaged in the trade need only, as a last resort, charge a fifth more over the present rates, but even this can be avoided if they will provide for 200 pilgrims in each ship in a third 'tween-deck. In regard to the single between-deck vessels, it seems to me that the owners must in their own interests provide orlop decks and keep down their fares, if they are to compete with the larger vessels. Every possible doubt and anxiety in regard to this question of the carrying capacity of steamers would, however, be solved if the space required for each pilgrim was only raised to 12 square feet and not to 16 square feet as required by the Convention. The orlop deck ships would under the 12-feet rule carry the full number they are at present allowed to carry, and the six smaller vessels by fitting orlop decks would add about 18,000 square feet to their passenger deck space and would be able to carry nearly the full complement they are now certified to accommodate.

"I should not forget to mention here two important concessions which the Select Committee has made to owners of vessels. The extra deck space on which

[*Dr. Lethbridge.*]

[19TH SEPTEMBER,

the temporary hospital is to be erected in case of epidemics is allowed to be considered airing space for pilgrims between decks. In calculating the airing space on the upper deck at 6 square feet, 2 children under 12 will as now be considered equivalent to one adult. In considering this question from a ship-owner's point of view, I hope it will be remembered that the trade has a right to expect that when changes are introduced in the conditions under which pilgrims can be carried, and these changes oblige them to go to the expense of making structural alterations in their ships, they ought to be protected from fresh legislation for some years. They have a right to expect that cholera scares in Europe shall not be the signal for demanding further changes in their ships. I have not been able, for want of sufficient information, to form an approximate idea of the loss, if any, which will result in the cargo-carrying capacity of pilgrim steamers by the fitting of orlop decks, nor do I know what the conditions of the cargo trade between Bombay and the Hedjaz are, to enable me to give the Council any information on this point.

"I have detained the Council too long, but I think an opinion on the subject of the food-supply for pilgrims on boardship may be found useful. My hon'ble friend has referred to the Select Committee's decision not to adopt the recommendations which have been made as regards the issue of cooked food. Speaking from considerable professional experience, I am of opinion that much sickness and discomfort would be obviated if cooked food was supplied to all pilgrims. But I have sufficient knowledge of the social habits and customs of the natives of India to know that such a measure would be extremely distasteful to a very large proportion of the pilgrims. It is for these reasons that I would most strongly advocate an arrangement for the selling of freshly cooked food on board at fixed prices—these prices to be noted on the ticket. Such an arrangement I have seen worked with great success in the steamers of the British India Steam Navigation Company, and I believe most of the ships in the Native passenger-carrying trade have adopted it for short voyages round the coast of India. By this arrangement those who are able to cook and like to do so will continue their present practice, while those who from sea sickness or any other cause are unable to cook will be able to purchase such food as they may require. In course of time pilgrims on these steamers will learn to appreciate the value of buying cooked food and will gradually discard the habit of taking food with them.

"In conclusion, I desire to say that the Select Committee has done all it could reasonably do to meet the wishes of the Muhammadan community and have added a number of minor details to the original Bill, which, it is hoped, will prove of great benefit to Muhammadan pilgrims."

1895.] [*Prince Sir Jahan Kadr Meerza Muhammad Wahid Ali Bahadur.*]

The Hon'ble PRINCE SIR JAHAN KADR MEERZA MUHAMMAD WAHID ALI BAHADUR said:—"My Lord, I have been favoured with a view of the draft of the Report of the Select Committee which has just been presented and would ask your Lordship's permission to offer a few remarks on the Bill as amended by the Committee. It is not my intention to trouble your Lordship's Council at any length, but the provisions of the Bill are of such vital importance and interest to the Muhammadans of this country that I feel I should be altogether wanting in my duty as the sole representative of my community upon this Council if I permitted this opportunity to pass without laying before your Lordship's Council the views that have been expressed by my co-religionists upon this question which is all important to them and giving publicity to the objections they entertain to certain portions of the measure before its modification in the manner now explained.

"My Lord, I desire at the outset to express to the Hon'ble Member in charge of the Bill my respectful and sincere thanks for the sympathetic and kindly speech delivered by him on the occasion of the introduction of this Bill in July last. I rejoice to find that the Hon'ble Member is at one with the Indian Muhammadan community in the surprise and regret that some of the resolutions passed at the Sanitary Conference at Paris in 1894 should have been accepted by Her Majesty's Secretary of State as binding upon the Home Government. Hitherto, as it is hardly necessary to say, the pilgrim traffic to the Red Sea has been regulated by the provisions of the Native Passenger Ships Act. As the result of the Paris Conference, however, whose recommendations have been declared to be as authoritative and immutable as the laws of the Medes and Persians, it has been considered necessary to treat the pilgrimage in a special manner and to regulate its traffic by means of a special enactment. I do not for one moment deny the desirability of regulating the pilgrim traffic by law. A better organisation and a better system of arrangements are urgently called for and can only result in the greater comfort and safety of the pilgrims whose religious duty leads them to undertake the arduous journey to the Hedjaz. But I desire with your Lordship's permission to express my respectful regret, on behalf of the great Muhammadan community I am privileged to represent, that this Council should find itself perforce taking action on recommendations such as those of the Paris Conference, which seem to have been determined by reports and facts that either ignore the requirements of Her Majesty's Muhammadan subjects or inadequately represent those requirements. We are grateful to the sanitary experts of the West for the interest that they take in the welfare of the pilgrims to the Hedjaz: but we could wish, as the Hon'ble Member in charge of the Bill has put it, that that interest were less feverish and better informed.

[*Prince Sir Fahan Kadr Meerza Muhammad* [19TH SEPTEMBER,
Wahid Ali Bahadur.]

"My Lord, I am glad in this connection to be able to quote from the letter which the Bengal Chamber of Commerce has addressed to the Government of Bengal, and which gives admirable and terse expression to many of the Muhammadan objections to the Bill. 'The Committee,' they say, 'would ask particularly to point out the danger, inconvenience and trouble underlying the discussion of matters strictly Indian, that is, governed by the peculiarities of Indian social systems and Indian customs, by foreign European experts who, however great their theoretical knowledge may be, are not possessed of that special information which would alone enable them to apply their theories to Indian requirements.' But, as the Hon'ble Member in charge of the Bill has told us, we have no option in the matter, even although there was probably some misunderstanding as to our position at the Conference, and although the conclusions of the Conference were arrived at without our having had the privilege accorded to us of an opportunity of fully placing our views before its members. I would, however, respectfully suggest that representations should be made to Her Majesty's Secretary of State, and that modifications may be adopted whereby the discontent and dissatisfaction of the Muhammadan community at some of the present provisions of the Bill may be allayed, if not altogether removed.

"With regard to the Bill itself, representations have been made by various Muhammadan associations in Calcutta, Madras, Bombay, Lucknow and other places, to which I desire to make reference. I will put the gist of their recommendations as shortly and concisely as I can, and I venture to express the hope that the Government may see its way clear towards adopting the suggestions that have been made. All are agreed, firstly, that the medical examination of *pardashin* ladies and other female pilgrims before embarkation from India should be conducted by women. In this I need hardly perhaps say that I heartily concur. I perceive that the Select Committee have adopted a very similar view, and can only express a hope that under the rules to be made in accordance with section 34 of the Bill care will be taken that the examination shall be carried out as consistently as possible with the customs and the habits of the people.

"With regard, my Lord, to the sanitary tax, I find a concurrent opinion that it should not be levied in Bombay. And I note in this connection that the Hon'ble Member in charge of the Bill is in cordial agreement with this view. 'The Government of India,' he is reported to have said on the occasion of the introduction of the Bill, 'would have been glad to leave the fees to be settled between the pilgrims and the Turkish authorities.' It is hardly necessary, my Lord, for

1895.]

[*Prince Sir Fahan Kadr Meerza Muhammad
Wahid Ali Bahadur.*]

me to point out the hardship that this hard-and-fast rule, by which the amount of the tax will be added to the price of the passage ticket, will occasion to the poorer class of Muhammadans, who are at present exempted by the Turkish authorities without enquiry and by very reason of their poverty. The Hon'ble Member in charge of the Bill has amply demonstrated that he is fully in possession of the facts: and I will not weary your Lordship with a recapitulation of them. I am glad to see that the Select Committee have endeavoured so far as in them lay to diminish the hardship of this provision, and I may perhaps be allowed to express the hope that the suggestion which, as the Hon'ble Member has informed us, the Government of India has made to the Secretary of State may be adopted. Unless some such provision is made for the relief or exemption of the poorer classes of Muhammadans, the Haj will perforce become a luxury open to the rich alone, instead of a sacred religious duty, incumbent upon all alike.

" I now come, my Lord, to the definition of the word 'passenger' as defined in the Act. Under the Native Passenger Ships Act the word is held to include a person of the age of twelve years or upwards, but under the present Bill it is proposed to extend the definition to every Muhammadan passenger, of whatever age, making the voyage to and from the Hedjaz. The proposal is one, my Lord, to which I find it impossible to accord my approval. Taken in conjunction with the provisions for the increase of space, the enlarged definition will operate most harshly upon pilgrims with families, and it is no exaggeration to say that it will in many cases act as an absolute prohibition. It must be borne in mind that, under section 28, every passenger is liable for payment of the sanitary tax, and this, added to the cost of the passage, cannot, in my opinion, but exercise so damping and disheartening an effect upon the Indian traffic as to practically quench it altogether. I am glad this provision is to remain in abeyance for the present.

" With regard to the increase in the amount of between-deck space to be allowed to each pilgrim, I will do no more than quote the remarks of the Bengal Chamber of Commerce, which appear to me to aptly sum up the position:— 'Under the new regulations of the Conference at Paris,' they say, 'it would be a large ship which would contain 500 pilgrims. With sixteen square feet per pilgrim, the Committee may observe that the finest passenger vessels afloat give a space per first class passenger which varies from thirteen and a half to eighteen feet.....The Committee are aware that up to June last the Ottoman Board of Health allowed nine feet of space per pilgrim as sufficient to meet the requirements of the traffic, and they think this point should not be lost sight of.'

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[*Prince Sir Jahan Kadr Meerza Muhammad* [19TH SEPTEMBER,
Wahid Ali Bahadur.]

I desire to be permitted to endorse these remarks. Her Majesty's Government have secured a valuable concession in declining to accede to the Convention's extravagant demand of twenty-one square feet, but the fixing of a minimum standard of even sixteen square feet must very seriously affect the cost of passage to the pilgrims—it is true that this provision is not contained in the Bill, but the Government had announced their intention of inserting it in the rules—and I rejoice to learn to-day that the law is still to remain on its present footing.

“I have, my Lord, one more suggestion which I think it to be my duty to lay before your Lordship's Council. I would urge that the employment of Muhammadan cooks and Muhammadan watermen on board the pilgrim ships should be made obligatory for the supply of cooked food to such of the pilgrims as may prefer to be so supplied. I am aware that this can now be provided for under rules which may be made under section 58 of the Bill, but it is a matter of such importance that I would urge its insertion in the Bill itself. The rates at which cooked food is to be supplied should also be fixed by rule and duly notified. I would further urge—for I am aware that a considerable difference of opinion exists as to the expediency of supplying cooked food—that ample space and facilities should also be given to such of the pilgrims as may elect to cook their own food on board. The matter is one, my Lord, which I venture to characterize as of the utmost importance, and I may perhaps be pardoned for adding that it is a proposal which has met with the most cordial support and encouragement at the hands of His Honour the Lieutenant-Governor of Bengal. The pilgrims are subjected under the present system to the greatest inconvenience, owing to the absence of proper arrangements in this behalf. I would ask in this connection to be allowed to quote from a letter recently written by my friend Moulvi Abdul Jubbar, Khan Bahadur, C.I.E., himself now on pilgrimage, which calls forcible attention to the crying nature of the evil. ‘Then,’ he writes, ‘began the trouble of cooking the food. Every passenger on board had to cook his own food, and not only did this arrangement cause delay, but the time allowed for cooking was by no means sufficient for the purpose. From what I have observed, I am strongly of opinion that sickness on board the pilgrim ships arises from improperly cooked food taken long after the proper hours. Besides, the provisions each passenger takes with him occupy no inconsiderable portion of the space allotted to him. I earnestly hope that the proposal of His Honour for providing daily rations of cooked food may be adopted.’

“My Lord, these are words which I submit are worthy of the closest attention at the hands of Government: and, while fully recognising the force and the

1895.]

[*Prince Sir Fahan Kadr Meerza Muhammad*
Wahid Ali Bahadur.]

weight of the objections that are made to the proposal, I would respectfully urge that it should be given a trial, and that the two systems be permitted to work side by side. I have not myself the slightest doubt that the pilgrims will speedily come to appreciate the convenience and advantage of a regular supply of cooked food, but I should be exceedingly unwilling to force any such innovation upon them, and it is for this reason that I venture to suggest the introduction of some such dual system as I have indicated for the favorable consideration of Government.

"My Lord, I do not desire to trespass further upon the time and the patience of the Council. But I feel it my duty, before concluding my remarks, to draw attention to the very grave effect which the enactment of this Bill as originally drawn was calculated to produce upon the poorer members of the Muhammadan community. Muhammadan public opinion has not yet learnt to make itself felt by vociferous clamour or vapid agitation, but that such public opinion exists, and that if it be allowed time enough it will gradually percolate to the masses and go on gathering strength with numbers is a fact which cannot be ignored. There can be no doubt that to the poor and ignorant section of the community the provisions of the Bill were calculated to convey the impression that the new regulations were intended to operate adversely to the religious duty which induces Muhammadans to visit the Hedjaz. There can be no doubt that their effect would be to increase the cost of the pilgrimage, and to practically prevent the poor man from proceeding to Mecca. I have deemed it my duty to draw attention to what appears to me to be a very serious matter. I would respectfully request the Government to see that such misapprehensions are not revived. Your Lordship may rest assured that the assistance and co-operation of all my educated and reasonable co-religionists will not be wanting. But it is impossible to shut our eyes to the fact that such steps would be popularly regarded as a retrograde measure, and I cannot conceal from myself the fear that they may entail consequences of a mischievous and even calamitous character. I would respectfully appeal to your Lordship's Government to place this aspect of the case before the Secretary of State, for I cannot but feel that the reasons which have prompted the present legislation are so humane and so laudable that the Muhammadan community may confidently look not only for justice and consideration at the hands of the home authorities, but also for an exhaustive and impartial enquiry into the entire question, which has now been placed before them from the point of view of those who will be most closely affected by the proposed legislation."

[*Sir Alexander Miller.*] [19TH SEPTEMBER, 1895.]

REPEALING AND AMENDING BILL (BOMBAY).

The Hon'ble SIR ALEXANDER MILLER moved for leave to introduce a Bill to repeal certain obsolete Enactments and to amend certain other Enactments. He said :—"The object of the Bill is simply to clear the way for the publication of a revised Bombay Code. It is in the nature of ordinary Repealing and Amending Bills which get rid of enactments which have become obsolete and which have been virtually, though not formally, repealed. It has been virtually settled in communication with the Government of Bombay, to which Presidency only it applies. The Bill is of a purely formal character and I do not think the Council will care to have the details explained to them."

The Motion was put and agreed to.

The Hon'ble SIR ALEXANDER MILLER also introduced the Bill.

The Hon'ble SIR ALEXANDER MILLER also moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the Bombay Government Gazette in English and in such other languages as the Local Government thinks fit. He had, he said, already explained that the Bill only affected Bombay.

The Motion was put and agreed to.

The Council adjourned to Thursday, the 3rd October, 1895.

SIMLA;
The 20th September, 1895. }

J. M. MACPHERSON,
Offg. Secy. to the Govt. of India,
Legislative Department.

NOTE.—The Meeting originally fixed for the 5th September, 1895, was subsequently postponed to the 19th idem.